

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed April 10, 2007. Upon entry of the amendments in this response, claims 1-26 remain pending. In particular, Applicants have amended claims 1, 9-13, and 16. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Objections to the Specification

The Office Action indicates that the specification is objected to. Applicants appreciate notification of this issue and amend specification herein, as indicated above, to comply with the Office Action's request. More specifically, Applicants have amended paragraph [0095] on p. 20. Applicants submit that no new matter has been added by this amendment.

II. Objections to the Claims

The Office Action indicates that claims 1, and 10-13 are objected to as failing to comply with 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In response, Applicants have amended claims 1 and 10-13, as indicated above, to comply with the Office Action's request.

III. Rejection of Claims 1-12 and 16-26 Under 35 U.S.C. §103

The Office Action indicates that claims 1-12, and 16-26 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Number 7,020,138 ("*Huang*") in view of U.S. Patent Number 6,795,403 ("*Gundavelli*") and further in view of U.S. Patent Number 6,711,171 ("*Dobbins*").

A. Claim 1

Applicants have amended claim 1 to recite “an announcer logic configured to transmit ***an announcement packet, the announcement packet comprising*** a node address and a forward counter associated with each known node in a list” and submit that, as amended, claim 1 is allowable over the cited art. The Office Action (p. 3, para. 1) alleges that a router that “abandons the IP datagram and sends back a time-out message of [ICMP] to the sending host”, as disclosed by *Huang*, corresponds to “listener logic configured to receive the announcement packet”, as recited in claim 1. Thus, the Office Action appears to equate an ICMP packet with the recited announcement packet. Applicants respectfully submit that an ICMP is a type of packet but does not specify the data contained within the packet. An announcement packet, on the other hand, “comprises a node address and a forward counter associated with each known node in a list” as recited in claim 1, as amended. Nor does *Gundavelli* or *Dobbins* disclose “listener logic configured to receive the announcement packet”. Thus, amended claim 1 is not obvious under the proposed combination of *Huang* in view of *Gundavelli* in further view of *Dobbins* and the rejection should be withdrawn.

B. Claim 9

Applicants have amended claim 9 to recite “transmitting to all known nodes in the first list an announcement packet, the ***announcement packet comprising a node address and a forward counter associated with each known node***” and submit that, as amended, claim 9 is allowable over the cited art. The Office Action (p. 5, para. 3) alleges that a router that “abandons the IP datagram and sends back a time-out message of [ICMP] to the sending host”, as disclosed by *Huang*, corresponds to “listener logic configured to receive the announcement packet”, as recited in claim 9, as amended. Thus, the Office Action appears to equate an ICMP packet with the recited announcement packet. Applicants respectfully submit that an ICMP is a type of packet but does not specify the data contained within the packet. An announcement packet, on the other hand, “compris[es] a node address and a forward counter associated with

each known node in a list" as recited in claim 9, as amended. Applicants respectfully submit that these are not the same thing and therefore request that, for at least this reason, the rejection of claim 9 be withdrawn.

The Office Action (p. 5, para. 3) further alleges that *Huang* discloses "initializing a first known node list". Even assuming, for the sake of argument, that this is true, the Office Action makes no mention of "adding to **a second list of discovered nodes** at least one new discovered node" as recited in claim 9, as amended. Applicants respectfully request that, for at least this additional reason, the rejection of claim 9 be withdrawn.

C. Claim 16

Applicants respectfully traverse the rejection of claim 16 for at least the reason that *Huang* in view of *Gundavelli* and further in view of *Dobbins* fails to disclose, teach, or suggest all of the elements of claim 16. More specifically, claim 16 recites:

A system for automatically discovering nodes on a network comprising:

a **list of static nodes**, wherein each static node comprises a node address and a forward counter;

an announcer logic configured to transmit the node address and the forward counter **associated with each static node in the list**, if the forward counter is greater than zero, to all static nodes;

a **list of discovered nodes**, where each discovered node comprises a node address and a forward counter;

a listener logic configured to receive an **announcement packet**, where the announcement packet comprises at least one node address and at least one forward counter, further configured to add to the list of discovered nodes at least one new discovered node corresponding to the node address and forward of the announcement packet; and

a forwarder logic configured to transmit via the network interface the node address and the forward counter associated with the new discovered node, if the forward counter is greater than zero, to all known nodes and to all discovered nodes, wherein the forward counter is decremented ***before transmission.***
(Emphasis Added)

The Office Action (p. 6, para. 2) alleges that a router that “abandons the IP datagram and sends back a time-out message of [ICMP] to the sending host”, as disclosed by *Huang*, corresponds to “listener logic configured to receive the announcement packet”, as recited in claim 16. Thus, the Office Action appears to equate an ICMP packet with the recited announcement packet. Applicants respectfully submit that an ICMP is a type of packet but does not specify the data contained within the packet. An announcement packet, on the other hand, “comprises a node address and a forward counter associated with each known node in a list” as recited in claim 16. Applicants respectfully submit that these are not the same thing and therefore request that, for at least this reason, the rejection of claim 16 be withdrawn.

In addition, the Office Action (p. 6, para. 2) alleges that *Huang* discloses “a list of discovered nodes, where each discovered node comprises a node address and a forward counter”. However, *Huang* appears to disclose “the sending host then sends an IP datagram having a TTL value of two to the destination host.” Even assuming, for the sake of argument, that this IP datagram corresponds to a node address and a forward counter, this does not disclose “transmitting to all known nodes in the first list, a node address and a forward counter ***associated with each known node***”. Instead, it discloses transmitting information corresponding to merely one node. For at least this additional reason, Applicants respectfully request that the rejection of claim 16 be withdrawn.

Finally, the Office Action (p. 6, para. 2) alleges that claim 16 contains the same limitation as claim 4. In regard to claim 4, the Office Action alleges that *Huang* discloses “wherein the forward counter is decremented before transmission.” However, *Huang* appears to merely disclose “every router that receives the IP datagram subtracts one from the value of the TTL

field." Even assuming, for the sake of argument, that the TTL field corresponds to the forward counter, the TTL field is decremented **after receipt**, not **before transmission**. For at least this additional reason, Applicants respectfully request that the rejection of claim 16 be withdrawn.

D. Claims 2-8, 10-12, 17-26

Applicants respectfully traverse this rejection for at least the reason that *Huang* in view of *Gundavelli* and further in view of *Dobbins* fails to disclose, teach, or suggest all of the elements of claims 2-8, 10-12, 17-26. More specifically, dependent claims 2-8 are believed to be allowable for at least the reason that each claims depends from allowable independent claim 1. Dependent claims 10-12 are believed to be allowable for at least the reason that each depends from allowable independent claim 9. Dependent claims 17-26 are believed to be allowable for at least the reason that each depends from allowable independent claim 16. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Rejection of Claims 13-15 under U.S.C. §103

The Office Action indicates that claims 13-15 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Number 7,020,138 ("*Huang*") and U.S. Patent Number 6,795,403 ("*Gundavelli*") in view of U.S. Patent Number 6,711,171 ("*Dobbins*") and further in view of U.S. Patent Application Number 2002-0177910 ("*Quarterman*"). Applicants respectfully traverse this rejection for at least the reason that *Huang* and *Gundavelli* in view of *Dobbins* and further in view of *Quarterman* fails to disclose, teach, or suggest all of the elements of claims 13-15. More specifically, dependent claims 13-15 are believed to be allowable for at least the reason that each claim depends from allowable independent claim 9. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/Karen G. Hazzah /

Karen G. Hazzah,
Reg. No. 48,472

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500